

**United States Government  
NATIONAL LABOR RELATIONS BOARD**  
Region 18  
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Minneapolis, MN 55401-2221

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[www.nlrb.gov](http://www.nlrb.gov)

February 25, 2009

Tom Reak, Field Representative  
International Brotherhood of Teamsters  
Local 120  
9422 Ulysses Street NE #120  
Blaine, MN 55434

Re: MAHNOMEN COUNTY DAC  
Case 18-RC-17621

Dear Mr. Reak:

The above-captioned case, arising from a petition filed pursuant to Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

The above petition was filed on February 13, 2009, seeking representation of direct care staff and employment specialist employees employed by Mahnommen County Day Activities Center (Employer). The Employer is engaged in the business of providing habilitation services to vulnerable adults. The commerce questionnaire and annual accounting statement submitted by the Employer established that the Employer derives less than \$250,000 in gross revenue annually. The statutory jurisdictional standard set for this Employer is annual gross revenues of \$250,000 or more, with a *de minimus* amount of purchases or sales in interstate commerce. See *Hispanic Federation for Development*, 284 NLRB 500 (1987) and *Sibley County Developmental Achievement Center*, 306 NLRB No. 175 (1992). The Employer does not meet the statutory jurisdictional standard insofar as its gross annual revenues are less than \$250,000. Therefore, I am dismissing the petition.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, 1099 – 14<sup>th</sup> Street N.W., Washington, DC 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, DC by the close of business on **March 11, 2009**, at 5:00 p.m. Eastern Time. You should be

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advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, DC, and a copy of any such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at [www.nlrb.gov](http://www.nlrb.gov). On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

Very truly yours,

Robert W. Chester  
Regional Director

RWC/bmg  
Enc.  
cc:

Office of the Executive Secretary  
National Labor Relations Board  
1099 14<sup>th</sup> Street NW  
Washington, DC 20570-0001

Mr. Thomas Melin  
Mahnomen County DAC  
123 NE Railway Street  
Mahnomen, MN 56557

Mr. Richard J. Dryg  
Employers Association Inc.  
9805 - 45th Avenue North  
Plymouth, MN 55442